

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRELENCIO CHAVEZ, et al.,

No. C 09-4812 CW

Plaintiffs,

ORDER ON MOTION

FOR FINAL APPROVAL

v.

LUMBER LIQUIDATORS, INC.,

Defendant.

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This Court's order for preliminary approval required Plaintiff to move for entry of Order of Final Approval and judgment "as outlined in Paragraphs 7.3.1 and 7.3.2 of the Settlement" at least fourteen calendar days prior to the opt out deadline. Docket No. 175 ¶ 9. Paragraph 7.3.1 of the Settlement requires moving the Court for an order "approving Class Counsel's application for an award of attorneys' fees and costs." The Ninth Circuit requires the Court to ensure that the class has "an adequate opportunity to review and prepare objections to class counsel's completed fee motion." In re Mercury Interactive Corp. Sec. Litig., 618 F.3d 988, 994-95 (9th Cir. 2010); see also In re Online DVD-Rental Antitrust Litig., 779 F.3d 934, 954 (9th Cir. 2015) (holding that a fee motion filing deadline fifteen days before the deadline for filing an objection satisfies this requirement). Plaintiffs did not file timely their motion for attorneys' fees and costs.

Plaintiffs must submit an amended motion for final approval that contains each element of the motion as outlined in Paragraph

7.3.1, including its completed attorneys' fees motion, by Tuesday, May 24, 2016. The claims administrator shall mail a new notice to all class members stating that the attorneys' fees motion is due on May 24, 2016, that class members may file objections to the attorneys' fees motion, and that their objections are due within twenty days of the date of the mailing of the notice. Plaintiffs' counsel shall cover the claims administrator's costs that relate to mailing this new notice.

IT IS SO ORDERED.



Dated: May 19, 2016

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CLAUDIA WILKEN  
United States District Judge